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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,600	01/24/2002	Scott C. Harris	Connect-Net	6414
23844	7590	02/26/2004	EXAMINER	
SCOTT C HARRIS			JACKSON, BLANE J	
P O BOX 927649			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92192			2685	4
DATE MAILED: 02/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,600	HARRIS, SCOTT C. <i>SC</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Blane J Jackson	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 January 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the clarified or new ground(s) of rejection.

### ***Drawings***

2. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: figure 1, connection 110. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. The phrase "said text" in claim 16 lacks antecedent basis. The following rejection understands the "text" to mean voice.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Pepper et al. (U.S. Patent 5,930,700).

As to claims 1 and 5, Pepper teaches a system including:

a telephone having a connection to a telephone line (figure 3, PDA with telephone capability (200), column 6, lines 37-42),

a computer, remote from the telephone (figure 3 and 5, the network interface (TNI), (304), column 6, line 55 to column 7, line 17),

a connection between the telephone and the computer using a protocol which does not require a dedicated wire connection between the telephone and computer, the connection between the telephone and computer operative to allow requests including data to be sent from the telephone to the computer for processing said data to produce processed information that is based on said data and to return said processed information from the computer to the telephone (PDA exchanges data with the computer to for call control with call data returned to PDA for display with the PDA capable to also receive the directed call, column 6, lines 12-54).

As to claims 2 and 4, Pepper teaches wherein the network connection is a wireless or a connection over an existing telephone line (figure 3, PDA (200) to network (102), column 5, lines 19-29).

As to claim 7, Pepper teaches a system wherein the requests include requests for the computer to recognize spoken voice and return recognition information indicative of the spoken voice (column 6, lines 12-54).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 6, 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper et al. (U.S. Patent 5,930,700).

As to claim 3, Pepper teaches wherein the connection includes Bellcore's AirBose system may be the preferred for a wireless connection (column 8, line 35 to column 9, line 56) but does not specifically teach a Bluetooth connection. However, it would have been obvious to one of ordinary skill in the art at the time of the invention To select any type connection similar to that taught by Pepper that is compatible to achieve a wired or wireless connection.

As to claims 6, 10 and 11, Pepper teaches a method comprising:  
detecting an incoming telephone call,  
detecting a name that is spoken by a caller and automatically recognizing the name (figures 3 and 5, speech recognition module (510) in the network interface (304), column 6, lines 12-33). Pepper teaches a call directing and screening system, to route an identified or non-identified incoming caller to a telephone or voice mail (column 6, lines 30-54, column 11 line 36 to column 12, line 14) but is silent as to preventing a plurality of telephones from ringing if the recognized name is not on a predetermined list, otherwise allowing some or all telephones to ring. However, since Pepper teaches call control, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the call control as taught by Pepper to route incoming calls to any desired destination or destinations.

As to claim 12, Pepper teaches a method comprising:

Detecting an incoming telephone call,

Automatically detecting a user's manual response to a specified aspect of said incoming telephone call at a first time, and,

Automatically carrying out the same response at a second time (figure 5, the TNI generates a voice template for the caller for later identification and subsequent system response, column 6, lines 12-29 and column 6, line 61 to column 7, line 13).

As to claims 13-16, Pepper teaches a system and method for automatically screening and directing incoming calls including:

a first computer (figure 3, PDA (200) receiving a voice to be recognized (PDA may receive call or the call routed to another terminal but the PDA directs the second computer for call handling, column 5, lines 19-42),

a second computer (figure 3, (102)), including automatic voice recognition capability (the network interface (TNI) (304) handles the calls and includes voice recognition equipment, figure 5, column 6, line 56 to column 7, line 17),

a network connection between the first and second computers where the first computer operates to receive the voice to be recognized, send information indicative of the voice to be recognized to the second computer and receive recognition information indicative of the voice to be recognized from the second computer (second computer determines identification of caller for call routing as directed by wireless connection to

the first computer (PDA with telephone), column 6, lines 12-54 and PDA set-up control: column 5, lines 29-42).

As to claims 17 and 18, Pepper teaches wherein the network connection is a wireless or a connection over an existing telephone line (figure 3, PDA (200) to network (102), column 5, lines 19-29).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim (U.S. Patent 6,546,002) teaches a system and method for using a mobile interface agent to dynamically access programs, applications, URLs, IP addresses, telephone numbers, user profiles and the like that are specific to a user via any computer type device. Kanevsky et al. (U.S. Patent 6,219,407) teaches a computer based home telephone system for improved digit recognition and caller identification in telephone mail messaging.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2685

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/683,600  
Art Unit: 2685

Page 9

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